

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**UNITED STATES OF AMERICA** )  
v. ) Case No. 1:06CR00062  
 )  
**DAMIAN ANTONIO MURPHY,** ) **FINAL ORDER**  
Defendant. )  
 ) By: James P. Jones  
 ) United States District Judge  
 )

For the reasons set forth in the Opinion accompanying this Final Order, it is  
**ORDERED** that the government's Motion to Dismiss is GRANTED, and the Motion  
to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 is hereby  
DENIED and stricken from the active docket of the court. Based upon the court's  
finding that the defendant has not made the requisite showing of denial of a  
substantial right, a certificate of appealability is DENIED.

ENTER: January 20, 2011

/s/ JAMES P. JONES  
United States District Judge